

Public Notice
West Hayden Island (O-105.0) Dredged Material Disposal Site
Multnomah County, Oregon

Issue Date: November 10, 2005

Expiration Date: December 12, 2005

Corps of Engineers Action ID: **CENWP-PM-E-06-01**

30 Day Notice

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers public notice number, title and date shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Should no responses be received postmarked by the above closing date, a “no comment” response will be assumed. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CENWP-PM-E (Robert E. Willis)
P.O. Box 2946
Portland, Oregon 97208-2946

Location: West Hayden Island (within an area bounded by the Burlington Northern Santa Fe mainline track on the east, and the Columbia River and North Portland Harbor on the north, south, and west), Columbia River mile 105, Portland (Sections 19, 28, 29, 30, 32, 33; Township 2 North; Range 1 East), Multnomah County, Oregon.

Project Description:

The Corps of Engineers maintains the Columbia River Navigation Channel by dredging and disposal operations. The Port of Portland (Port) is the local sponsor and a dredging contractor for the project. In accordance with Federal regulations, the Corps of Engineers does not issue itself permits for its civil works projects. However, it conducts all required environmental compliance reviews, including a Clean Water Act Section 404(b) analysis of discharges of dredged or fill material into waters of the United States. The Port conducts its dredging and disposal operations in accordance with the Corps environmental reviews. The Port acknowledged in a June 4, 1998 letter to the Corps that in 1996 they had made discharges into wetland areas on West Hayden Island that had not been authorized by the 404(b) analysis. Since then, the Port has applied for an After-the-Fact Section 404 permit (No. 200100062) for these unauthorized wetlands discharges. The Corps issued a Public Notice of the application. A comment received in response to that Public Notice identified a swale and partially plugged road culvert that would have allowed for waters of the U.S. to reach lands contained within the boundaries of the West Hayden Island dredged material disposal site. An October 29, 1997 letter from the Corps to the Port of Portland had outlined the Corp’s decision to utilize 17.3 feet NGVD (National Geodetic Vertical Datum) as the Ordinary High Water Mark around West Hayden Island. The hydraulic connection at this elevation through the culvert has since been verified in the field by the Corps. This

hydraulic connection was not considered by the Corps during its environmental compliance review. Consequently, the Corps has determined that dredged material was discharged into approximately 20 acres of non-wetlands waters of the U.S. on West Hayden Island under the Columbia River Channel Maintenance program without proper authorization under the Clean Water Act. (See attached drawing.)

The lands on West Hayden Island identified as waters of the U.S. in this public notice have been used for grazing livestock for an extended period of time prior to placement of dredged material. A review of the referenced aerial photos indicates that the impacted area was grassland (pasture) bordered by riparian forest habitat. Placement of dredged material did not impact riparian forest. Consequently, the functions and values of the impacted waters of the U.S. were low for fish and wildlife species. Use by Canada geese for grazing purposes and foraging for rodents/insects by raptors are the anticipated primary wildlife uses. Fisheries access to the area would have been limited to flood events wherein river stage exceeded approximately 17.0 feet NGVD, thus allowing for river waters and fish species to enter the location. Consequently, fisheries use of the site would have been intermittent in nature and of short duration per flood event. Detrital export to the Columbia River from the site would have been minimal as the site typically lacked residual, tall grass/herbaceous vegetation due to grazing, trees were essentially absent from the site, and flood events were intermittent in nature.

Purpose: The purpose of this Public Notice is to solicit comments on mitigation for the 20 acre discharge into waters of the U.S and maintain an upland disposal site, which is needed for the placement of dredged material from the routine maintenance of the Columbia River navigation channel.

Mitigation: The Corps proposes to seed and develop grass/herbaceous cover on 20 acres of the existing disposal site located on West Hayden Island to compensate for the loss of 20 acres of waters of the U.S. The area of the mitigation would be annually maintained through application of fertilizer and would be replaced if impacted by subsequent disposal actions.

The Corps proposes to meet the following success criteria at the end of a 5-year monitoring period:

Waters of the U.S. Mitigation Area

- A minimum 80% grass/herbaceous cover within the created mitigation area. Herbaceous cover within the created mitigation areas will be dominated by grasses and forbs contained in the seed mixture used at the end of the monitoring period.
- Less than 30% combined cover of non-native invasive species present within the created mitigation area. Non-native invasive target species include: reed canarygrass (*Phalaris arundinacea*), teasel (*Dipsacus sylvestris*), Canada thistle (*Cirsium arvense*), common thistle (*Cirsium vulgare*), purple loosestrife (*Lythrum salicaria*) and Himalayan blackberry (*Rubus discolor*). Other target species may be added as necessary.

Additional Information and Comments: Questions or comments regarding the Public Notice should be directed to Geoff Dorsey, Environmental Resources Branch, telephone (503) 808-4769, or at the address above.



